

MEMO ENDORSED

LATHAM & WATKINS LLP

October 24, 2019

VIA ECF AND EMAIL

The Honorable Valerie Caproni
United States District Court
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007

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Re: Relevant Sports, LLC v. United States Soccer Federation, Inc.,
Case No. 1:19-cv-08359 (VEC)

Dear Judge Caproni:

On behalf of Defendant United States Soccer Federation, Inc., we write to request permission to file the enclosed joint letter in the above-captioned case under seal, pursuant to Rule 5.A of Your Honor's Individual Practices in Civil Cases. Plaintiff Relevant Sports, LLC ("Relevant") does not oppose this request. U.S. Soccer makes this request because the joint letter contains information that both U.S. Soccer and Relevant are contractually required to keep confidential. Specifically, the redacted portions of pages 3, 4, and 5 of the joint letter contain information that U.S. Soccer and Relevant are required to keep confidential pursuant to a confidential agreement between the parties. The Court previously sealed aspects of Relevant's Complaint that discuss the same confidential information that is sought to be sealed here. *See* Dkt. No. 8.

The Second Circuit in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006), explained that the presumption of public access to judicial documents rests on the notion that public monitoring of the work of the federal courts "is an essential feature of democratic control. ... Such monitoring is not possible without access to testimony and documents that are used in the performance of Article III functions." Once a court has determined that the documents sought to be sealed are judicial documents to which a common law presumption of access attaches, it must determine the weight of that presumption. *Id.* at 119.

At the same time, this Court has "considerable discretion in determining whether good cause exists to overcome the presumption of open access to documents in [its] courts." *Geller v. Branick Int'l Realty Corp.*, 212 F.3d 734, 738 (2d Cir. 2000). And under Second Circuit law, a confidentiality agreement may form the basis for a sealing order. *See DiRussa v. Dean Witter Reynold, Inc.*, 121 F.3d 818, 828 (2d Cir. 1997). The narrowly tailored portions of the parties' joint letter contain information that U.S. Soccer and Relevant are required to keep confidential pursuant to a confidential agreement. The information sought to be filed under seal is of a

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limited quantity, as it accounts for approximately 5 percent (.25 out of 5 pages) of the substance of the joint letter. This further supports the issuance of a sealing order. *See Avocent Redmond Corp. v. Raritan Ams., Inc.*, 2012 U.S. Dist. LEXIS 107801, at *42 (S.D.N.Y. July 31, 2012).

Accordingly, U.S. Soccer respectfully requests that the Court issue an order permitting it to file (1) a redacted version of the joint letter for the public docket and (2) an unredacted version of the joint letter under seal.

Application GRANTED. Defendant may file a redacted version of the joint letter on the docket and an unredacted version under seal.

SO ORDERED.



10/25/2019

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

cc: All counsel of record (via ECF and email)

Respectfully submitted,

/s/ Lawrence E. Buterman

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